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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**ONE BLACK 2006 INFINITI G35,
VIN: JNKCV54E26M722099; and**

**\$72,793.00 IN UNITED STATES
CURRENCY**

Defendants *in rem*.

Hon. Stanley R. Chesler

Civil Action No. 14-805

**DEFAULT JUDGMENT AND
FINAL ORDER OF FORFEITURE**

WHEREAS, on February 7, 2014, a Verified Complaint for Forfeiture *In Rem* was filed in the United States District Court for the District of New Jersey against the defendant properties namely: one black 2006 Infiniti G35, VIN: JNKCV54E26M722099, and \$72,793.00 in United States currency to enforce the provisions of Title 21, United States Code, Section 881(a)(4), which subjects to forfeiture to the United States all conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of a controlled dangerous substance in violation of Title 21, United States Code,

Section 801, *et seq.*, and/or Title 21, United States Code, Section 881(a)(6), which subjects to forfeiture all moneys, negotiable instruments, securities, and other things of value furnished or intended to be furnished in exchange for a controlled substance in violation of Title 21, United States Code, Section 801, *et seq.*, and all proceeds traceable to such an exchange; and

WHEREAS, pursuant to the Warrant for Arrest *In Rem* issued by the Clerk of the Court on February 10, 2014, the United States Marshal Service seized the defendant properties; and

WHEREAS, a letter of representation and Administrative claim was received from Michael A. Robbins, Esq., 595 Eagle Rock Avenue, West Orange, New Jersey 07052 on behalf of Michael Carvalho, regarding the forfeiture of \$72,793.00 in United States currency; and

WHEREAS, a letter of representation and Administrative claim was received from Michael A. Robbins, Esq., 595 Eagle Rock Avenue, West Orange, New Jersey 07052 on behalf of Felipe Jose Carvalho regarding the forfeiture of one black 2006 Infiniti G35, VIN: JNKCV54E26M722099; and

WHEREAS, on February 11, 2014, the United States sent the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and a Notice of Forfeiture by certified mail, return receipt requested to potential claimant Michael Carvalho, c/o his attorney Michael A. Robbins, Esq., 595 Eagle Rock Avenue, West Orange, New Jersey 07052. (see Declaration of Peter W. Gaeta in

Support of a Default Judgment and Final Order of Forfeiture, hereinafter “Gaeta Dec.,” Exhibit A); and

WHEREAS, on February 11, 2014, the United States sent the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and a Notice of Forfeiture by certified mail, return receipt requested to potential claimant Felipe Jose Carvalho, c/o his attorney Michael A. Robbins, Esq., 595 Eagle Rock Avenue, West Orange, New Jersey 07052. (“Gaeta Dec.,” Exhibit B); and

WHEREAS, Notice of Civil Forfeiture was posted on an official government internet website (www.forfeiture.gov) for at least 30 consecutive days, beginning on February 13, 2014, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (Gaeta Dec., Exhibit C); and

WHEREAS, on or about February 5, 2014 and February 18, 2014 the United States Postal Service left notice of the certified mail delivery at the law office of Michael A. Robbins, Esq., 595 Eagle Rock Avenue, West Orange, New Jersey 07052 on behalf of potential claimant Michael Carvalho (Gaeta Dec., Exhibit A)

WHEREAS, on or about February 18, 2014, the United States Postal Service left notice of a certified mail delivery at the law offices of Michael A. Robbins, Esq., 595 Eagle Rock Avenue, West Orange, New Jersey 07052 on behalf of potential claimant Felipe Jose Carvalho (Gaeta Dec., Exhibit B); and

WHEREAS, on March 28, 2014, an Amended Notice of Forfeiture was filed with the United States District Court advising any person claiming an interest in, or right against, the defendant properties must file a conforming Claim no later than May 2, 2014 (docket entry 5); and

WHEREAS, On April 1, 2014, a paralegal from the United States Attorney's Office for the District of New Jersey contacted the law office of Michael A. Robbins, Esq. to confirm the address for the law office was 595 Eagle Rock Avenue, West Orange, New Jersey 07052; and

WHEREAS, on April 1, 2014, the United States resent the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and the *Amended* Notice of Forfeiture by certified mail, return receipt requested and by regular mail to potential claimants Michael Carvalho and Felipe Jose Carvalho, c/o their attorney Michael A. Robbins, Esq., 595 Eagle Rock Avenue, West Orange, New Jersey 07052. (Gaeta Dec., Exhibit D); and

WHEREAS, on or about April 25, 2014, according to United States Post Office records, the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and *Amended* Notice of Forfeiture which were sent by certified mail, return receipt requested to potential claimants Michael Carvalho and Felipe Jose Carvalho, c/o their attorney Michael A. Robbins, Esq., 595 Eagle Rock Avenue, West Orange, New Jersey 07052 were not claimed (*id*); and

WHEREAS, in order to avoid forfeiture of the defendant property, any person claiming an interest in, or right against, the defendant property must file a Claim under penalty of perjury identifying the specific property claimed, identifying the claimant and stating the claimant's interest in the property in the manner set forth in Rule G(5) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, Federal Rules of Civil Procedure and 18 U.S.C. § 983(a)(4)(A), except that in no event may such Claim be filed later than 60 days after the first day of publication on the above-referenced official government internet website, and having filed such a Claim, must also file an answer to the complaint not later than 20 days after the filing of the Claim; and

WHEREAS, no Claim has been filed by any person within the time permitted by Rule G(5) of the Supplemental Rules for Certain Admiralty or Maritime and Asset Forfeiture Claims, Federal Rules of Civil Procedure for the defendant properties in this matter.

**NOW THEREFORE, IT IS HEREBY, ORDERED, ADJUDGED AND
DECREED:**

THAT a Default Judgment and a Final Order of Forfeiture is granted against the defendant properties, namely one black 2006 Infiniti G35, VIN: JNKC54E26M722099 and \$72,793.00 in United States currency, and no right, title or interest in the defendant property shall exist in any other party.

THAT any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposits, as well as any income derived

as a result of the United States Marshal Service's management of any property forfeited herein, after the payment of costs and expenses incurred in connection with the forfeiture and disposition of the forfeited property, shall be deposited forthwith by the United States Marshal Service into the Department of Justice Asset Forfeiture Fund, in accordance with the law.

ORDERED this 16th day of June, 2014.



HONORABLE STANLEY R. CHESLER
UNITED STATES DISTRICT JUDGE